

REMARKS/ARGUMENTS

Claims 1-21 are pending in the instant application. The drawings are objected to under 37 CFR 1.83 (a), as not showing the claimed feature “drive rod”, and claims 14 and 15 are rejected under 35 U.S.C. 112 as containing the subject matter “drive rod” not described in the specification. Claims 1 and 5 stand objected to as comprising means-plus-function language. Claims 1-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Pokras (US 5,647,851). Claims 1, 3, 5, 6, 14 and 15 have been amended to more particularly claim the instant invention. Claims 18 and 21 are withdrawn from consideration. Applicant respectfully submits that the amendments do not incorporate new matter in contravention of 35 U.S.C. § 132. Reconsideration is respectfully requested.

The drawings are objected to under 37 CFR 1.83 (a), as not showing the claimed feature “drive rod”. Further, claims 14 and 15 are rejected to under 35 U.S.C. 112 as containing the subject matter “drive rod” not described in the specification. Claims 14 and 15 have been amended to overcome these objections. The subject matter “drive rod” has been amended to “dispense rod” in claims 14 and 15. This feature is shown as feature 17 in Figures 2a, 2b, 3, 5 and as feature 117 in Figure 7. Reconsideration is respectfully requested.

Claims 1 and 5 stand objected to as comprising means-plus-function language, evoking 35 U.S.C, 112, 6th paragraph. Claims 1 and 5 have been amended to overcome this objection. Claim 1 has been amended to an adapter comprising a syringe driver for agitating the contents of the syringe, instead of referring to “means” for agitating. Basis for the amendment is found on page 4, 6th paragraph and on page 5, 2nd paragraph of the international published application. Claims 5 and 6 have been amended such that the reference to “retaining means” have been deleted.

Claims 1-21 stand rejected under 35 U.S.C. §102(e) as being anticipated by US 5,647,851 to Pokras. This rejection is respectfully traversed.

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A finding of anticipation under 35 U.S.C. 102 requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genetech Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

The present invention provides an adapter for a syringe pump used for dispensing the contents of a hand-held syringe. The adapter is configured to be received by the pump as would a hand-held syringe. The adapter itself holds the syringe and provides a means of agitating the contents of the syringe.

Pokras on the other hand does not disclose an adapter to accommodate a hand-held syringe to an automatic syringe pump, but only an injection device for a hand-held syringe. The device of Pokras is not connectable with a syringe pump and does not work as an adapter for a hand-held syringe and for a syringe pump. As can be seen from column 4, lines 8-21, column 5 lines 36-53, and from Figures 1 and 6, the device of Pokras includes means for both vibrating the syringe and to dispense the content thereof, such as a motor 28 and a drive shaft 30, and a plunger drive motor 34 and a shaft 35. The device is not designed to be connected with, or to transfer injection movement from, a syringe pump as is the case for the instant invention. Further, the device of Pokras does not comprise an adapter body receivable by a syringe pump. Further, the device of Pokras is for a different purpose than the adapter of the instant invention. The device of Pokras vibrates (column 4, lines 53-65) the syringe to impart a larger cutting effect for the needle (see Figures 10 - 12), in addition to distract the patient, and is not for the purpose of agitating the content of the syringe, as is the purpose of the instantly claimed invention. The device of Pokras, therefore, fails to disclose each and every element of the present invention.

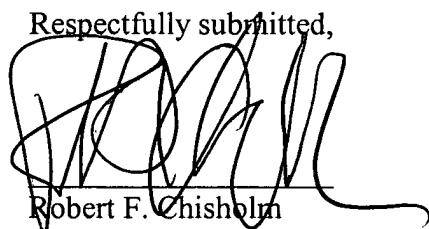
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Thus, Applicants respectfully submit that, as Pokras fails to disclose each and every element of the instant invention, the present invention is novel thereover. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the amendments and remarks, hereinabove, Applicant respectfully submits that the instant application, including claims 1-17 and 19-20, is patentably distinct over the prior art. Favorable action thereon is respectfully requested.

This response is filed within the two-month advisory action period set by the Examiner.

Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number listed below.

Respectfully submitted,

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